

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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)
ANDRONIKI (NIKI) BROWNE,)

)
Plaintiff,)

)
-against-)

)
THE CITY OF NEW YORK; THE NEW YORK CITY)
EMPLOYEES RETIREMENT SYSTEM;)
the BOARD OF TRUSTEES OF THE NEW YORK)
CITY EMPLOYEES RETIREMENT SYSTEM;)
DIANE D'ALESSANDRO; and MILTON ARON)

)
Defendants.)
-----X

WAIVER OF SERVICE
OF SUMMONS

08 Civ. 4993 (MGC)

TO: THE BOARD OF TRUSTEES OF THE
NEW YORK CITY EMPLOYEES'
RETIREMENT SYSTEM
c/o Martha E. Stark
335 Adams Street, Suite 2300
Brooklyn, New York 11201


I have received your request to waive service of a summons in this action along with a copy, a prepaid means of returning one signed copy of the form to you, the Individual Rules of Judge Cedarbaum, and a copy of the SDNY ECF Instructions, Procedures, and Guidelines for Electronic Case Filing.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from July 11, 2008, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so,

a default judgment will be entered against me or the entity I represent.

Date: New York, New York
July 29, 2008


SIGNATURE

PAUL MARKS, Assistant
Printed/Typed Name
Corporation Counsel

as Attorney for Defendant
Board of Trustees of the
of New York City Employees'
Pension System (in their
Racial
Capacity)

Duty to Avoid Unnecessary Costs of Serving of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the Court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.